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ABSTRACT

Numerous scholars, historians, and social scientists believe that the most significant decision made by the United States Supreme Court was handed down in the case of "Brown v. the Topeka Kansas Board of Education" (1954). In this case the court declared the legal principle of separate but equal as unconstitutional in public education. This paper traces the principle of separate but equal as it relates to public schooling for black children in the years following the 1954 decision. During these years desegregation has not shown itself to be a reliable vehicle for upward mobility for a vast majority of blacks. Any continued emphasis on racial balance instead of school programs will distract efforts that could more appropriately be aimed at the real problems. Black children will achieve in any school when they receive quality instruction delivered by competent teachers who hold high expectations for their performance. This is not so much an argument against desegregation as it is a call for the promotion of better education for minority youth. (VM)

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Revisiting James Crow:

A Re-look at Separate but Equal

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ABSTRACT

Numerous scholars, historians and social scientists believe that the most significant decision made by a U.S. Supreme Court was handed down in the case of Brown v. the Topeka Kansas Board of Education, 1954. In this case, the court declared the legal principle of separate but equal, established in Plessy v. Ferguson, 1986, as unconstitutional "in the field of public education." The present discourse will trace the principle of separate but equal as it relates to public schooling for black children in the years following the 1954 decision. Against this background, the author will articulate his position in regard to arguments recently presented to the District Court for Topeka, Kansas in January of 1987--the re-opened Oliver Brown v Topeka Board of Education.

In its historic 1954 decision, Brown v. the Topeka Kansas Board of Education, the Court did not distinguish between de facto and de juris segregation. Applying the "equal protection clause" of the Fourteenth Amendment, the Court found separate educational facilities to be "inherently unconstitutional". The maintenance of separate systems, the Court held, was tantamount to "denial of equal protection under the laws." Federal courts continued to uphold this notion of "inherent unconstitutionality" in numerous cases following the 1954 decision. Soon civil rights advocates began to broaden the mission of desegregation and regarded it as a sort of panacea for solving human relations problems in the United States. Some argued that the "mere exposure" of racially different children to each other would somehow lead to greater harmony among blacks and whites; that black children could make valuable contacts that would benefit them in later years; that black children would receive a better education in a racially mixed environment and be better prepared for college and higher status occupations; in essence, that Martin Luther King's dream of racial harmony would somehow be realized. Overall, advocates of desegregation held higher expectations for social change that could occur from mere exposure of black and white children to each other. What

advocates failed to fully consider were the conditions under which desegregation would have to occur to fulfill these high ideological expectations.

In terms of exposure social scientists do confirm that intergroup contact can produce increased liking but, only to the extent that the encounter is rewarding. On the other hand, social psychologists Amir[1] and Berkowitz[2] intergroup contact will result in greater emnity if the meeting occurs under unpleasant circumstances. In the most widely publicized desegregation cases, busing to achieve racial balance rather than quality education has occured under unfavorable circumstances; and, in so doing has resulted too often in increased conflicts between whites and blacks. Indeed, G.W. Allport[3] also reported, in the early 1950's, that interracial contact can promote friendship but, only when individuals come together as equals. It is apparent that black children bused to white schools are not perceived by white teachers or white students as equals. While

it has also been shown that desegregation can result in increased "cross-race acceptance" even such acceptance decreases as the grade level of the school child increases.[4] That children will go beyond "acceptance" to develop "friendships" by mere exposure to each other is not supported by research as desegregation rarely results in significant increases in cross-race friendships[5]. Like acceptance, children generally exhibit increasing preference do develop friendships with peers of their own race over time.

In terms of higher education, desegregation has not yet shown itself to be the reliable vehicle for upward mobility for the vast majority of black students admitted to predominantly white colleges and universities. To the contrary, black students generally find administrators at white institutions to be inflexible in responding to their needs. Indeed, black students report that administrators expect minority students to assimilate into the extant system and even show gratitude for the opportunity to attend a school that once rejected them because of

their ethnicity.[6] In his study, Satisfaction and University Involvement Among Black Undergraduates, Anderson described the open door policy of white institutions as "the revolving door" for black students. In support of this notion Anderson points out that more than 50 percent of degree-holding Blacks received their degrees from historically black institutions; institutions which enroll only 30 percent of blacks seeking higher education. In pragmatic terms the data reveal that 90 historically black institutions produce more black professionals than do 1500 historically white colleges and universities. Furthermore, Anderson found that 70 percent of black students admitted to predominantly white institutions never graduate from any institution.[7]

Despite the actual outcomes achieved, politicians, parents and other interest groups continue to push for desegregation based primarily on the belief that predominantly black schools must be inherently unequal. The assumption is supported by a pattern of federal court rulings which, collectively, has created a judiciary preoccupied with the conspicuous aspects of schooling like racial composition; less concern is paid to

salient features such as school program, expectations, and curriculum. By and large, the issues of quality education have become irrelevant and factors found to actually distinguish effective schools from ineffective ones are ignored.

In 1971, the Supreme Court found desegregation to be necessary preparation for students to live in a pluralistic society. In so doing, the Court ordered the Charlotte-Mecklenburg Board of Education to effectuate policies that would create racial balance in each of its schools, reflective of the district as a whole. The mere presence of racially identifiable schools was regarded as a "prima facie case of violation of substantive constitutional rights under the Equal Protection Clause."[8] In the same vein, another District Court, in a case involving the Richmond, Virginia School Board, found that schools comprised primarily of black children were perceived by the community as inferior despite the funding and support such schools received. In effect, the District Court established that the perception of inferiority was the same as actual inferiority. The two decisions together, serve to reinforce

rather than dispel the stereotype that black institutions are inherently inferior. This scholar believes that desegregation efforts are consciously or unconsciously guided by this assumption of inherent inferiority; ignoring other factors of student achievement, self-esteem, curricular and extra-curricular programs. As a result, the burden of desegregation is regularly placed on the shoulders of black children and their parents as school districts continue to implement plans which require black children to leave their neighborhoods in order to create a substantial minority presence in predominantly white schools. Black schools on the other hand, are often closed to achieve this end, eliminating the possibility of white children being bused to predominantly black schools.

Psychologist, Kenneth B. Clark found:[9] "as [minority] children develop an awareness of racial differences and of racial identity, they also develop an awareness and <u>acceptance</u> of the prevailing social attitudes and values attached to race and skin color." The belief in inherent inferiority of black institutions is believed by this scholar to reflect prevailing social attitudes and values about race and skin color in this society.

Such beliefs are held not only by whites but, unfortunately by too many blacks. The seeds of self-hatred are apparently planted early in the black child and grow with "increasing complexity from childhood through adolescence as part of the development of the total personality."[10] Submission, on the part of black folks, to the inherent inferiority of Black institutions is manifest in the case being brought by black parents, before the District Court for Kansas. Arguments for the case, Oliver Brown, et al. v. the Topeka Kansas Board of Education, were originally scheduled to be heard in the Spring of 1986[11] but were actually heard in January of 1987. A decision is expected from District Court Judge R. D. Rogers prior to the end of the present school term. The plaintiffs are the same persons named in the original 1954, Brown v. the Board.

Essentially, the plaintiff's contend that desegregation has not been achieved in the Topeka Kansas School District as evidenced by the presence of "racially identifiable" schools; schools so defined because the minority student populations in some schools are either 15% above or 15% below the average minority population in the district. As a result, plaintiffs believe that minority children, in whose names they act, are being denied equal opportunity for quality education. Prior to

the time this definition was conceived as a way to assess progress, the district practiced a form of de juris segregation by assigning minority youngsters in elementary schools to only four of the 23 elementary schools. The clear intent of such practice was to promote segregation. The detriment of such practice to the self-esteem of minority youngsters was overtly apparent as many traveled pass nearby schools to reach one of the four elementary schools designated as black.

Nationally Desegregation remedies, i.e. remedies requiring mass transfers of students to different schools in order to increase the minority presence in schools throughout a system, appeared appropriate as a means of putting minority youngsters in touch with resources that could make a difference in the quality of education they received. Then, the common goal was to improve/increase educational opportunities for minority youth by putting more minority children in touch with better programs and material resources. Many also believed that racial balance would at least result in a more even distribution of educational resources, i.e. those once unavailable would "magically" become available. In this sense, desegregation could be considered a legitimate means to achieve an important end. Parents in pursuit of a <u>better education</u> for their youngsters, pushed for

desegregation (rearrangement of students within the system) as a strategy for achieving a better education. But, resistance from white parents to a minority presence in some schools was so strong that federal intervention was necessary to implement the strategy. So much energy was exerted to implement the desegregation strategy that it, over time, came to be viewed as an end rather than the means to the original end -- quality education. Many now pursue desegregation at the expense of better education and in so doing, they trade off the important ends -- quality education, for the means. In effect, the goal of original efforts has been displaced by the means selected for achieving it.

It is argued in this paper that desegregation remedies should be sought and applied when it can be demonstrated that poorer educational outcomes on the part of black youngsters are directly related to the racial composition of the schools; or, when it can be shown, as has often the case, that school board policy to the detriment of black children, aids the racist intent of white parents who simply do not want their children in close proximity to black youngsters. On the other hand, where segregation cannot be found to be the cause of poor educational outcomes among black youngsters, desegregation remedies should neither be sought or

applied. The continued emphasis on racial balance instead of school program actually distracts legitimate efforts that could more appropriately be aimed at real school problems and can therefore, divert appropriation of limited resources away from the actual causes of inequality.

Beyond the aforementioned, the rational argument can be made that continued promotion of the concept "racially identifiable" as being negative can also promote negative self concept development on the part of black youngsters. Such promotions tell black youngsters that their presence as a majority in a situation, is not acceptable; that their poor achievement is in effect, due to their being black and being in a situation with too many others of their own kind. In Topeka, recall that a school is "racially identifiable" and considered in violation of the court orders if the minority population in a school is 15% more or 15% less than the average percentage of minorities in the system. Because minorities average about 23% in the Topeka District, a school would be in violation if the minority presence was above 38%. On the other hand, a school would be in compliance if minority youngsters were outnumbered by more than 10-1; i.e., 8% of a particular school. Presently, there are two high schools that do not fit the definition. One school has a

minority population of 61% and the other 51%. In a broader context, these two schools are probably among the most racially balanced urban schools in the nation. Nevertheless, they constitute a "bone of contention" because of the minority presence. Topeka--like definitions and cases arising from these yardsticks tell black youngsters that "a good school is one in which your presence is not known; where your blackness is not evident." Such measures are reprehensible. In Topeka, the school district has to provide for legal counsel at the expense of other actions it could be taking that are more directly related to quality education. These funds could, for example, be better used to: establish/strengthen programs in the early grades; expand access to computer technology, especially for low income youth; improve school curriculum in ways that will make it more responsive to the individual needs of students and unique learning needs of minority youth; enhance parental participation in academic and non-academic school activities; explore means to reduce drop-out rates which are disproportionately higher among minority youth. . . to name a few.

By and large, improvements cannot be made in the public schools as long as most improvement efforts are aimed at the most conspicuous aspects of schooling, like "racially identifiable"

student bodies. Race in this context, is like school plant. People are often impressed by the appealing structure of a school, a new gym for example. The same people assume that a good looking school is a good school. They think a modern looking school has a "modern program." By the same token, people have come to believe that a school with an identifiable black population is a bad school. In actual fact, numerous research studies have revealed variables that are far more compelling in analyses of differences in schooling/learning outcomes among school children. Variables that distinguish effective schools from ineffective ones; effective classrooms, teachers and methodologies from ineffective ones are well known and well documented. By and large, the most compelling variables related to school achievement have little to no relationship to racial identifiability, per se.

That black youngsters can achieve "above the norm" in racially identifiable schools, has been well demonstrated in 16 elementary schools in Pittsburgh, Pennsylvania. In an address to black faculty in Kentucky colleges and universities, Barbara Sizemore explained that changes made in the less conspicuous, often overlooked aspects of schooling -- mission, basics, teacher expectations--have resulted in dramatic turn-about in quality of

education. Prior to these efforts, the majority of these elementary schools were classified as low achieving schools, i.e. schools in which 50% of the students scored below national norms on standard achievement tests. Today, as a result of appropriately redirected efforts, the majority of youngsters in all but one of these schools now perform above the national norms. Only one school has retained the classification as a low achieving school.[12] This Pittsburg reality tells us, or should tell us, that black children can achieve in "racially identifiable" schools when they receive quality instruction delivered by competent teachers who hold high expectations for their performance. Efforts, on the other hand, to force a school district to evaluate quality education and progress using the "racially identifiable" definition as a yardstick, force a school district to evade the real issues at hand and waste taxpayers' money.

This is not to say that federal courts and the Justice Department should abdicate their responsibility to ensure the equality of educational opportunities for all school children. In every way Americans should expect the federal government to force states to comply with their own constitutions in respect to educating their citizens. In some cases compliance will be

interpreted to mean changing established practices; in others, compliance means initiating new ones. These are reasonable expectations for the federal government because of its constitutional responsibility to enforce the "supreme law(s) of the land".

Finally, the aforementioned must not be regarded as an argument against desegregation; especially when it is sought to promote or ensure better education for minority youth. The author is cognizant of the many instances in which resources are so grossly uneven that children must be moved from poor educational environments to ones more suitably arranged for learning. On the other hand, there are too many instances where moving children to new schools has no benefit other than creating "racial balance." Still other districts have such poor educational programs system-wide, that children are moved, for the sake of balance, from one poor environment to another. In the latter cases, desegregation is neither reasonable or effective as it is clear in these instances that racial balance has little significant effect on the distribution of educational resources or the resultant quality of education. Overall, desegregation should be set into motion when it is determined as necessary to aid quality education; educational institutions should not be arranged merely to aid desegregation.

Footnotes

1. Y. Amir, "Contact Hypothesis in Ethnic Relations, Psychological Bulletin, 71, 1969.
2. L. Berkowitz, A Survey of Social Psychology, 2nd edit., (NY: Holt, Rinehart and Winston, 1980).
3. G. W. Allport, The Nature of Prejudice, (Cambridge, MA: Addison-Wesley, 1954).
4. S. Asher, L. Singleton, and A. Taylor, "Acceptance v. Friendship: A Longitudinal Study of Racial Integration," (Urbana-Champaign: University of Illinois).
5. M. Shaw, "Changes in Sociometric Choices Following Forced Integration of an Elementary School," Journal of Social Issues, 29, 1973.
6. E. Anderson, Satisfaction and University Involvement Among Black Undergraduates, (dissertation; Lexington, KY: University of Kentucky, 1983).
7. Ibid.
8. H. Ozmon and S. Craver, Busing: A Moral Issue, (Bloomington, IN: Phi Delta Kappa Educational Foundation, 1972).
9. K. B. Clark, Prejudice and Your Child, 2, (Boston, MA: Beacon Press, 1963).

10. Ibid.

11. D. Silver, "Reopening of Topeka Case: Symbol of a Stalled Effort?" Lexington Herald Leader, (Lexington, KY: 1 December 1985).

12. B. Sizemore, Taken from an address to the 1985 Fall Colloquium for Black Faculty and Administrators in Kentucky Higher Education, (Lexington, KY, 1985).

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